

UNITED STATES DISTRICT COURT

Clerk, U.S. District Court
Southern District of Texas
FILED

for the

OCT 28 2014

Southern District of Texas

United States of America)

v.)

Case No. C-14-1157M

OZUNA, Michael Andrew)

Defendant(s)

David J. Bradley, Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/27/2014 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:

Code Section

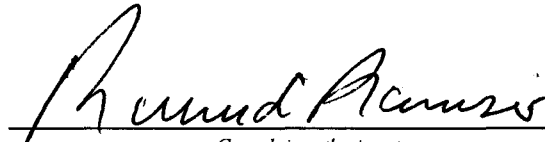
Offense Description

21 U.S.C., 841(a)(1)

Knowingly, intentionally and unlawfully
possess with the intent to distribute a
controlled substance in Schedule I of
the Controlled Substance Act of 1970, to
wit: 149.02 kilograms, approximate gross
weight, of marijuana

This criminal complaint is based on these facts:

See Attachment "A"

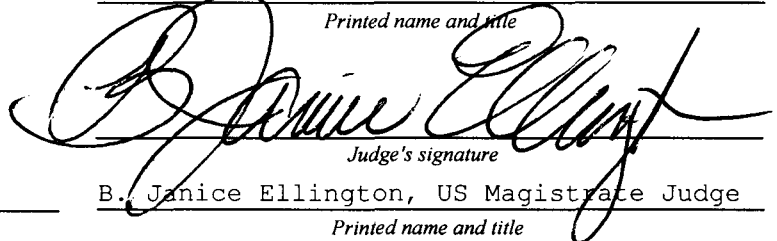
☒ Continued on the attached sheet.

Complainant's signature

TFO Richard Ramirez

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/28/2014

Judge's signature

City and state: Corpus Christi, Texas

B. Janice Ellington, US Magistrate Judge

Printed name and title

"ATTACHMENT A"

Michael Andrew OZUNA

On October 27, 2014 Border Patrol Agent Eric Garza, was assigned checkpoint duties at the United States Border Patrol Checkpoint in Falfurrias, Texas. Also working primary inspection was Border Patrol Agent Melissa Castillo and her assigned canine Blacky-G.

At approximately 0455 hours, a white Dodge Ram bearing Texas plates DTX-1585 drove up for an immigration inspection. Once the vehicle came to a stop, BPA Garza asked the driver later identified as Michael Andrew OZUNA if he was a United States Citizen. He responded "Yes". BPA Garza then asked OZUNA where he was headed to. He stated that he was going to work in Port Lavaca. BPA Garza then asked where he was coming from. He stated he was coming from Rio Grande City, Texas. At that time BPA Castillo and her canine Blacky-G conducted a non-intrusive free-air sniff of the vehicle. BPA Garza then asked OZUNA if he was the owner of the vehicle. He stated "Yes I'm the owner". BPA Castillo then indicated to me that her canine Blacky-G was alerting to an odor she has been trained to detect underneath the driver's side door and bed of the pickup. At that time, BPA Garza instructed OZUNA to park in the secondary area for further inspection.

Once in secondary, BPA Garza instructed OZUNA to step out of the vehicle and sit on the bench while his vehicle is being inspected. BPA Castillo, utilizing her service canine Blacky-G, conducted a systematic search of the vehicle, and then indicated to BPA Garza that her canine Blacky-G was alerting to an odor she has been trained to detect underneath the driver's side door and bed of the pickup. BPA Castillo advised her canine Blacky-G was alerting to the auxiliary diesel tank in the bed of the pickup. BPA Castillo removed the fuel pump from the tank and noticed bundles inside the tank. At that time, OZUNA was subsequently arrested and brought inside the checkpoint for processing. One bundle was removed and cut open revealing a green leafy substance which was determined to be marijuana.

At this time, BPA Garza then advised OZUNA of his Miranda Warning Rights in his preferred language of English and he signed stating he understood his rights. OZUNA stated he was willing to give a statement and signed the form accordingly. BPA James Doerbaum witnessed the signing of the forms.

BPA Garza asked OZUNA if he had any knowledge of the narcotics that were concealed in the auxiliary tank of his truck. He said he knew he had narcotics in the tank. BPA Garza then asked OZUNA how he acquired the narcotics. OZUNA stated that he knew someone that could provide the narcotics but he was unable to provide me any contact information for this said person. OZUNA stated he dropped off his vehicle at the Walmart in Rio Grande City around 10:00 p.m. yesterday (10/26/14). BPA Garza then asked how long the vehicle was out of his possession. He said the vehicle was ready to be picked up about an hour and a half later. OZUNA said he picked up the truck from the Walmart and then went to wash and fuel up the truck before heading north to Port Lavaca. BPA Garza then asked how much he was getting paid to transport the narcotics. He stated that he paid \$1,000 dollars for the narcotics and was going to sell it on his own for a profit. BPA Garza then asked if he knew how much narcotics he was transporting. He stated he wasn't sure how much he had. No further questions were asked.

A total of 14 bundles wrapped in brown tape were in the auxiliary diesel tank weighing a total of 149.02 kilograms.

On October 28, 2014 TFO Pendleton and TFO Brosig arrived at the Falfurrias Border Patrol Checkpoint and took custody of OZUNA and the marijuana. TFP Pendleton read OZUNA his Miranda Rights as witnessed by TFO Brosig.

OZUNA told TFO Pendleton that he was in need of money due to his wife's pregnancy. OZUNA stated to TFO Pendleton that while he was at a Wal-Mart in Rio Grande he was approached by 2 unknown males who asked him if he was interested in buying marijuana. OZUNA stated that he told the 2 males that all he had was one-thousand dollars. OZUNA stated the 2 males asked for the keys to his truck and that they would return later with the marijuana. OZUNA stated the 2 males returned back about an hour and a half later. OZUNA stated that he paid the 2 males one-thousand dollars but did not know how much marijuana was in his truck. OZUNA stated that he was going to sell the marijuana for himself in Port Lavaca and Houston.

OZUNA was transported to the Coastal Bend Detention Center for overnight detention.

AUSA Elsa Salinas authorized federal prosecution on OZUNA.